

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER: Purol, S. L.

TITLE: STAND FOR DISPLAYING ARTICLES, SUCH AS FLAT-PACKED ARTICLES

Amendment A: REMARKS

Upon entry of the present amendments, previous Claims 1 -13 have been canceled and new Claims 14 and 15 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art and for the purpose of placing the claim language into a more proper U.S. format.

In the Office Action, it was indicated that Claims 1 - 13 were rejected under 35 U.S.C. § 103(a) as being obvious over the Cubberley '438 patent in view of the Cubberley '575 patent. Claims 1 - 13 were also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

As an overview to the present reply, new independent Claim 14 incorporates the limitations of previous independent Claim 1, along with the limitations of previous dependent Claims 2, 5, 6, 7, 8, 9 and 10. New independent Claim 14 expresses the limitations in a more proper U.S. format, including proper antecedent basis and proper structural interrelationships throughout.

In particular, it should be emphasized that the present invention structurally separates the serrations on the rail and the teeth of the semi-automatic returning means. The serrations on the rail

are dimensioned in relation to the articles and allows the articles to slide on a track surface. The teeth of the semi-automatic returning means prevents the back rest from moving backwards from under the weight of the articles. The serrations must have a minimal height in relation to the edge of the articles. The physical separation between the teeth of the back-slide preventing device and the teeth formed by the serrations permits one to reduce the dimension of the teeth of the back-slide preventing device in order to minimize the vibrations during the displacement of the backrest on the track.

New independent Claim 14 specifies that the track, a backrest and a pull strip are formed of a molded polymeric material. Additionally, independent Claim 14 emphasizes that the teeth of the indexed extensions and the complementary toothed counterparts are of smaller dimensions than the teeth of the wide serrations of the track.

New dependent Claim 15 corresponds to the limitations found in Claims 11 - 13. This claim concerns the semi-automatic returning means of the display stand so as to permit one to push the back rest backwards by means of the pull strip, generally before reloading an empty display stand with the edge-standing articles.

The display stand of the present invention finds a particular application on the shelves of sales areas in order to be able to display and stock articles in rows. The articles are disposed on edges thereof. The rail is intended to be fastened to the shelf surface. The back rest allows the articles to be maintained in a generally vertical orientation and prevents the articles from falling. Additionally, the rail features, over the entire sliding surface of the serrations of the track, teeth of a relatively large and wide size. This serves to prevent the articles from sliding on the track surface.

When consumers have removed the first articles from the row, the hand-operated pull strip

permits moving the rows of articles forward. A user can grab the pull strip and pull the back rest. When this operation is completed, the pull strip is fully retracted into the track so that it does not encroach on the display surface. In order to ensure that the back rest does not move backwardly under the weight of the articles, a backslide-preventing device is provided between the backrest and the rail.

The elements of the present invention, as defined by independent Claim 14, includes three elements of molded polymeric material. These elements are the track, the back rest and the hand-operated pull strip. This serves to significantly reduce the cost associated with the present invention.

Applicant respectfully contends that the Cubberley '438 patent and the Cubberley '575 patent are not very pertinent to the present invention, as defined by new independent Claim 14. None of these prior art references discloses a display stand that is equipped with a hand-operated pull strip that permits, by its actuation, the ability to move the back rest forward in relation to a track.

In particular, the Cubberley '438 patent concerns the support of support of articles, and particularly of books, that are disposed vertically on a row. The Cubberley '438 patent finds specific application in a library. As illustrated in Figure 1 of the Cubberley '438 patent, the device includes metallic backrests 1 that are maintained through the intermediary of two lateral tracks 10. Each of the tracks 10 is formed by a square cross section. Each backrest 1 includes a metal sheet featuring a corrugated vertical and a horizontal part 3. Each backrest 1 has a lower part 6 with an eye 7. The eye 7 is traversed by a rod B. The rod is fixed in relation to the track. This, in no way, operates as a hand-operated pull strip in accordance to the teachings of the present invention, and as defined by independent Claim 14.

In the Cubberley '438 patent, the rod B permits the fastening of divider inserts for the alphabetic filing of books. As such, the rod must be completely fixed. In order to move the backrests 1 forwardly or backwardly, the user must, in the Cubberley '438 patent, slightly lift the corrugated parts of the backrests or else push the vertical parts in the direction of the movement (see page 2, lines 119 - 125). The Cubberley '438 patent does not make any mention of a hand-operated pull strip in order to allow the forward movement of the backrest.

As such, Applicant respectfully contends that the Cubberley '438 patent is quite different than that of the present invention. It is not a display stand with a sliding backrest that can be manually operated by a pull strip. The present invention, as defined by independent Claim 14, presents many other differences in relation to the Cubberley '438 patent. The Cubberley '438 patent does not show the molded polymeric components or the backslide-preventing device of the present invention.

The Cubberley '575 patent concerns the assembly of backrests. Each backrests has a vertical part 1 and a corrugated horizontal part 3. This assemblage of backrests is made possible by superimposing and by interlocking their corrugated horizontal portions. The Cubberley '575 patent does not show, in any case, a backrest that is slidable on a rail and which can be operated by a pull strip. The Cubberley '575 patent does not show a backrest that is slidable on a rail which is equipped with a backslide-preventing device. On this basis, Applicant respectfully contends that the Cubberley '575 patent does not show the present invention.

The prior art combination of the Cubberley patents would still lack the elements of molded polymeric material, the backslide-preventing device and the movable pull strip. On this basis, Applicant respectfully contends that the structure of the present invention, the function of the present

invention and the results achieved by the present invention are quite different than the prior art combination.

Based upon the foregoing analysis, Applicant contends that independent Claim 14 is now in proper condition for allowance. Additionally, that claim which is dependent upon independent Claim 14 should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

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Date

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